

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

PRISM TECHNOLOGIES LLC, Plaintiff, v. SPRINT SPECTRUM L.P. D/B/A SPRINT PCS Defendant.	Civil Action No. 8:12-cv-123-LES-TDT
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**PLAINTIFF PRISM TECHNOLOGIES LLC'S
MOTION FOR PREJUDGMENT AND POSTJUDGMENT INTEREST**

Pursuant to Fed. R. Civ. P. 59(e), 35 U.S.C. § 284 and 28 U.S.C. § 1961, plaintiff Prism Technologies LLC (“Prism”), by and through its counsel, hereby moves the Court to amend its June 24, 2015 judgment following the jury verdict (Filing No. 463) to award Prism prejudgment and postjudgment interest on the damages award. The grounds for this motion are as follows:

1. A jury trial in this matter was held from June 15, 2015 through June 23, 2015.
2. During trial Prism alleged that Sprint Spectrum L.P. (“Sprint”) infringed Claims 1 and 33 of U.S. Patent No. 8,127,345 and Claims 7 and 37 of U.S. Patent No. 8,387,155 (together, the “Asserted Patents” and the “Asserted Claims”).
3. On June 23, 2015, the jury returned a verdict finding that Sprint infringed the Asserted Claims and awarded Prism damages in the amount of \$30,000,000 for Sprint’s infringement through December 31, 2014, rendering Prism the prevailing party. (ECF No. 467)
4. On June 24, 2015, the Court entered judgment in favor of Prism and against Sprint in the amount of \$30,000,000, together with Prism’s costs. (ECF No. 463).

5. Prism respectfully requests an award of prejudgment and postjudgment interest on this damages award.

6. Courts award prejudgment interest in patent infringement suits to a prevailing patentee. *See Gen. Motors Corp. v. Devex Corp.*, 461 U.S. 648, 657 (1983) (“[P]rejudgment interest should be awarded under [35 U.S.C.] § 284 absent some justification for withholding such an award.”). The grant of prejudgment interest is to fulfill the purposes of 35 U.S.C. § 284 by “mak[ing] the patent owner whole, since his damages consist not only of the value of the royalty payments but also of the foregone use of the money between the time of infringement and the date of judgment.” *Gen. Motors*, 461 U.S. at 655-56.

7. Postjudgment interest should be awarded as mandated by 28 U.S.C. § 1961. Postjudgment interest should be compounded upon the entirety of the final money judgment entered in favor of Prism. *See* 28 U.S.C. § 1961 (“[I]nterest shall be allowed on any money judgment in a civil case recovered in a district court.”).

8. This Motion is based upon Prism’s Brief in Support of its Motion for an Prejudgment and Postjudgment Interest, Index of Evidence, the Declaration of James Malackowski, and the Declaration of Marcus A. Colucci, which have been filed contemporaneously herewith, as well as all pleadings, records and files herein which this Court may properly take judicial notice, and upon such other and further evidence and argument as the Court may receive prior to its decision.

WHEREFORE Prism moves the Court to amend its June 24, 2015 judgment to award Prism prejudgment and postjudgment interest.

Dated: July 22, 2015

Koley Jessen P.C., L.L.O.

Michael C. Cox, Esq. (17588)
Daniel J. Fischer, Esq. (22272)
1125 S. 103rd St., Suite 800
Omaha, NE 68124
Tel: (402) 390-9500
Fax: (402) 390-9005
mike.cox@koleyjessen.com
dan.fischer@koleyjessen.com

Prism Technologies LLC

André J. Bahou, Esq.
Vice President & Chief IP Officer
878 Arlington Heights Dr., Suite 400
Brentwood, TN 37027
Tel: (615) 712-6580
Fax: (402) 578-1447
aj.bahou@prsmip.com

*Attorney for Plaintiff
Prism Technologies LLC*

Respectfully submitted,

By: s/ Marcus A. Colucci

Kramer Levin Naftalis & Frankel LLP

Jonathan S. Caplan, Esq.
Mark A. Baghdassarian, Esq.
Aaron M. Frankel, Esq.
Marcus A. Colucci, Esq.
Matthew W. Olinzock, Esq.
Cristina Martinez, Esq.
1177 Avenue of the Americas
New York, NY 10036
Tel: 212.715.9100
Fax: 212.715.8000

jcapan@kramerlevin.com
mbaghdassarian@kramerlevin.com
afrankel@kramrelevin.com
mcolucci@kramerlevin.com
molinzock@kramerlevin.com
cmartinez@kramerlevin.com

Kramer Levin Naftalis & Frankel LLP

Paul Andre, Esq.
Lisa Kobialka, Esq.
Aakash Jariwala, Esq.
990 Marsh Road
Menlo Park, CA 94025
Tel: 650.752.1700
Fax: 650.752.1810
pandre@kramerlevin.com
lkobialka@kramerlevin.com
ajariwala@kramerlevin.com

*Attorneys for Plaintiff
Prism Technologies LLC*

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on this 22nd day of July 2015.

s/ Marcus A. Colucci
Marcus A. Colucci